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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,128	02/26/2002	Akira Mashimo	WC-01-11-02.00	5393
26389	7590	03/30/2005	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				GIESY, ADAM
ART UNIT		PAPER NUMBER		
2651				

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/082,128	MASHIMO, AKIRA	
	Examiner Adam R. Giesy	Art Unit 2651	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 February 2002.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 2/26/2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. Figure 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohta et al. (Ohta – US Pat. No. 6,246,649 B1).

Regarding claim 1, Ohta discloses an optical disk device (Figure 1, element 1) comprising: drive means for driving in rotation (18) an optical disk having a wobbled track (D); irradiating means for irradiating a light beam onto the optical disk (31); light receiving means for receiving the light reflected from the optical disk and outputting an electric signal corresponding to the reflected light (33); and wobble signal reproducing means for reproducing, from the output

electric signal of the light receiving means, a wobble signal corresponding to a wobble of the track (12, 20, 21), said wobble signal reproducing means including detection means for detecting a center frequency of the wobble signal (see figure 1, element 21, column 8, lines 45-59), and extracting means for extracting the wobble signal from the output electric signal on the basis of the center frequency detected by the detection means (see figure 4, element 51, column 8, lines 56-59).

Regarding claim 2, Ohta discloses all off the limitations of claim 1 as discussed in the claim 1 rejection above and further that the detection includes a band-pass filter (Figure 4, element 51), a frequency detection means for detecting the center frequency of the wobble signal (Figure 1, element 21 – see also column 8, lines 45-59), and an extracting means (element 51).

Regarding claim 3, Ohta discloses all of the limitations of claim 1 as discussed in the claim 1 rejection above and further that the detection means includes storage means (inherent in microcomputer – element 21) for storing a relationship between the position of irradiation of the light beam (address) and the center frequency of the wobble signal, and calculation means for on the basis of said relationship, calculating a center frequency of the wobble signal at a target irradiating position (disk-radially moved position of the optical pick-up) of the light beam to be achieved by a seek operation (see column 8, lines 45-59).

Regarding claim 4, Ohta discloses all of the limitations of claim 1 as discussed in the claim 1 rejection above and further that the drive means drives the optical disk at a constant angular velocity (see column 4 lines 6-11).

Regarding claim 5, Ohta discloses all of the limitations of claim 2 as discussed in the claim 2 rejection above and further that the drive means drives the optical disk at a constant angular velocity (see column 4 lines 6-11).

Regarding claim 6, Ohta discloses all of the limitations of claim 3 as discussed in the claim 3 rejection above and further that the drive means drives the optical disk at a constant angular velocity (see column 4 lines 6-11).

Regarding claim 7, Ohta discloses all of the limitations of claim 1 as discussed in the claim 1 rejection above and further that when driving the optical disk in constant linear velocity mode, the detection means performs a detection of the center frequency of the wobble signal immediately after a seek operation of the irradiating means (the microcomputer is constantly detecting the center frequency of the wobble signal while being driven in constant linear velocity mode - see column 8, lines 45-59).

Regarding claim 8, Ohta discloses all of the limitations of claim 2 as discussed in the claim 2 rejection above and further that when driving the optical disk in constant linear velocity mode, the detection means performs a detection of the center frequency of the wobble signal immediately after a seek operation of the irradiating means (the microcomputer is constantly detecting the center frequency of the wobble signal while being driven in constant linear velocity mode - see column 8, lines 45-59).

Regarding claim 9, Ohta discloses all of the limitations of claim 3 as discussed in the claim 3 rejection above and further that when driving the optical disk in constant linear velocity mode, the detection means performs a detection of the center frequency of the wobble signal immediately after a seek operation of the irradiating means (the microcomputer is constantly

detecting the center frequency of the wobble signal while being driven in constant linear velocity mode - see column 8, lines 45-59).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Ogawa et al. (US Pat. No. 5,459,706) discloses the detection and manipulation of a wobble signal as used in optical reading and recording.
- b. Osada, Yutaka (JP Doc. No. 2001043614 A) discloses a control for a disk device that uses filters with the wobble signal to detect the disk address.
- c. Kobayashi et al. (US Pat. No. 5,835,478) discloses an optical addressing method involving the center frequencies of the track wobble signal.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam R. Giesy whose telephone number is (571) 272-7555. The examiner can normally be reached on 8:00am- 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARG 3/14/2005

W. R. YOUNG  
PRIMARY EXAMINER